

1 WILLIAM G. MALCOLM, #129271  
ARTURO M. CISNEROS, #120494  
2 KEVIN HAHN, #231579  
MALCOLM ♦ CISNEROS, A Law Corporation  
3 2112 Business Center Drive, Second Floor  
Irvine, California 92612  
4 (949) 252-9400 (TELEPHONE)  
(949) 252-1032 (FACSIMILE)

5 Attorneys for Movant

6 **UNITED STATES BANKRUPTCY COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

8 In re ) Bankruptcy Case No. 09-51700  
9 JACINTO MANCILLAS and MARIA ELENA ) RS No. WGM-2169  
10 MANCILLAS, )  
11 Debtors. ) Chapter 13

12 EMC MORTGAGE CORPORATION as ) **EMC MORTGAGE'S MOTION FOR RELIEF**  
servicer for WELLS FARGO BANK, ) **FROM AUTOMATIC STAY**  
13 NATIONAL ASSOCIATION as Trustee for the )  
Certificateholders of STRUCTURED ASSET )

14 MORTGAGE INVESTMENTS II INC., ) HEARING DATE:  
GREENPOINT MTA TRUST 2005-AR3, ) DATE: September 30, 2009  
15 MORTGAGE PASS-THROUGH ) TIME: 3:00 PM  
CERTIFICATES, SERIES 2005-AR3, and its ) CTRM: 3070  
16 successors and/or assignees, )

17 Movant, )

18 vs. )

19 JACINTO MANCILLAS and MARIA ELENA )  
20 MANCILLAS, Debtors, and DEVIN )  
DERHAM-BURK, Trustee, )

21 Respondents. )  
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23 **TO THE HONORABLE MARILYN MORGAN, UNITED STATES BANKRUPTCY COURT**  
24 **JUDGE, THE DEBTORS, THE DEBTORS' COUNSEL, THE TRUSTEE AND OTHER**  
25 **INTERESTED PARTIES:**

26 **PLEASE TAKE NOTICE** that EMC MORTGAGE CORPORATION as servicer for  
27 WELLS FARGO BANK, NATIONAL ASSOCIATION as Trustee for the Certificateholders of  
28 STRUCTURED ASSET MORTGAGE INVESTMENTS II INC., GREENPOINT MTA TRUST 2005-

1 AR3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-AR3, and its successors  
2 and/or assignees ("EMC MORTGAGE"), has filed the attached Motion For Relief From The  
3 Automatic Stay (the "Motion") in the above-entitled and numbered Chapter 13 case as the Debtors  
4 have failed to make post-petition payments.

5 This Motion is based upon the attached Declaration and the Memorandum of Points and  
6 Authorities attached hereto, as well as upon the documents filed in support of the Motion.

7 DATED: September 8, 2009

Respectfully Submitted,

8 MALCOLM ♦ CISNEROS, A Law Corporation

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10 By: /s/ William G. Malcolm  
11 WILLIAM G. MALCOLM  
12 Attorneys for Movant  
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